

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred House Bill No. 1077, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between lines 13 and 14, begin a new paragraph and insert:
- 2 "SECTION 2. IC 32-28-13-5 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A person
- 4 who wishes to record a common law lien must file with the county
- 5 recorder of a county in which the real or personal property against
- 6 which the common law lien is to be held is located a statement of the
- 7 person's intention to hold a common law lien against the real or
- 8 personal property. **The statement must be recorded not later than**
- 9 **sixty (60) days after the date of the last service provided by the**
- 10 **person who wishes to record the lien.**
- 11 (b) A statement of intention to hold a common law lien must meet
- 12 all of the following requirements:
- 13 (1) Except as provided in subsection (d), the person filing the
- 14 statement must swear or affirm that the facts contained in the
- 15 statement are true to the best of the person's knowledge.
- 16 (2) The statement must be filed in duplicate.
- 17 (3) The statement must set forth:
- 18 (A) the amount claimed to be owed by the property owner to
- 19 the lienholder;
- 20 (B) the name and address of the lienholder;

- 1 (C) the name of the property owner;
2 (D) the last address of the property owner as shown on the
3 property tax records of the county;
4 (E) the legal description and street and number, if any, of the
5 real property against which the common law lien is filed;
6 (F) a full description of the personal property against which
7 the common law lien is filed, including the location of the
8 personal property; and
9 (G) the legal basis upon which the person asserts the right to
10 hold the common law lien.

11 (c) The recorder shall send by first class mail one (1) of the
12 duplicate statements filed under subsection (b) to the property owner
13 at the address listed in the statement within three (3) business days
14 after the statement is recorded. The county recorder shall record the
15 date the statement is mailed to the property owner under this
16 subsection. The county recorder shall collect a fee of two dollars (\$2)
17 from the lienholder for each statement that is mailed under this
18 subsection.

19 (d) The statement of intention to hold a common law lien required
20 under subsection (b) may be verified and filed on behalf of a client by
21 an attorney registered with the clerk of the supreme court as an attorney
22 in good standing under the requirements of the supreme court."

23 Page 5, between lines 32 and 33, begin a new paragraph and insert:
24 **"(c) A special tool builder is entitled to court costs and**

1 **reasonable attorney's fees for expenses incurred under this**
2 **section."**

3 Renumber all SECTIONS consecutively.
 (Reference is to HB 1077 as reprinted February 21, 2009.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

Bray

Chairperson